

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-40	Time filed:	
Changed to Admin. Code Ref. (R no.):			

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Noel Taxin	801-530-6621	801-530-6511	ntaxin@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline):
	Recreational Therapy Practice Act Rules
3.	Type of notice: New ____; Amendment XX; Repeal ____; Repeal and Reenact ____
4.	Purpose of the rule or reason for the change: The Division and the Recreational Therapy Board have reviewed the rule and need to update the rule with respect to definitions, educational requirements, experience requirements, examination requirements and supervision requirements.
5.	This change is a response to comments from the Administrative Rules Review Committee. Yes ____; No XX
6.	Summary of the rule change:

	<p>Section 102-Definitions: Amendments are made to update the definition of an "approved graduate degree" and also "supervision" definitions as identified in paragraphs (7) and (8) to provide consistency with statute requirements. New definitions for "full-time, on-site" and "maintain the on-going documentation" have been added to clarify wording that appears in the statute. Section 103: Statute citation has been updated. Section 302a-Education Requirements: Amendments are being proposed to provide consistency with the statute on educational requirements necessary to obtain licensure for all levels of the recreational therapy practitioner. The proposed additions clarify that a master therapeutic recreational specialist (MTRS) and therapeutic recreational specialist (TRS) require certification as a Certified Therapeutic Recreation Specialist (CTRS), documentation of education and completion of a practicum. The proposed additions also clarify the number of hours and content required in an education program for a therapeutic recreational technician (TRT). Section 302b-Experience Requirements: This new section is being added to clarify statute requirements with respect to experience required for licensure as a MTRS, TRS and TRT. Section 302c-Examination Requirements: This section has been renumbered due to the addition of a new section identified above. The names of the required examinations have also been updated. Section 302d-Qualifications for Supervision: This new section is being added to clarify statute requirements with respect to the responsibilities of a MTRS or TRS supervisor when supervising a TRT. Section 302e-Temporary License as a TRS/Supervision Required: This section has been renumbered due to the addition of new sections identified above and minor grammar changes have been made in the section.</p>
7.	<p>Aggregate anticipated cost or savings to:</p> <p>A) State budget:</p> <p>The Division will incur minimal costs of approximately \$100 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p> <p>B) Local government:</p> <p>Proposed amendments do not apply to local governments. The proposed amendments only apply to individuals who are licensed or who may apply for licensure in one of the three license classifications of recreational therapy.</p> <p>C) Other persons:</p> <p>The proposed amendments only apply to individuals who are licensed or who may apply for licensure in one of the three license classifications of recreational therapy. The Division does not anticipate any costs or savings as the proposed amendments better define qualification requirements for licensure and standards for the profession and make the rules more consistent with statute requirements.</p>
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p> <p>The proposed amendments only apply to individuals who are licensed or who may apply for licensure in one of the three license classifications of recreational therapy. The Division does not anticipate any costs or savings as the proposed amendments better define qualification requirements for licensure and standards for the profession and make the rules more consistent with statute requirements.</p>
9.	<p>Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>This rule filing contains substantive amendments for the purposes of better defining qualification requirements for licensure and standards for the profession, and making the rule consistent with the authorizing statute. No fiscal impact to businesses is anticipated as a result of these amendments. Francine A. Giani, Executive Director</p>
10.	<p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required):</p> <p>Section 58-40-1 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)</p>
11.	<p>This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):</p>

12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		06/20/2006
	B) A public hearing (optional) will be held:		
	on (mm/dd/yyyy):	at (time):	At (place):
	06/20/2006	9:00 am	160 East 300 South - Conference Room 428 (4th floor) - Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):		06/21/2006
	NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):		
	licensing	recreational therapy	
15.	Attach an RTF document containing the text of this rule change (filename):		R156-40.pro
To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:		J. Craig Jackson, Director	Date (mm/dd/yyyy): 04/25/2006

ProposedRule.doc 9/26/2003

R156. Commerce, Occupational and Professional Licensing.

R156-40. Recreational Therapy Practice Act Rules.

R156-40-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 40, as used in Title 58, Chapters 1 and 40 or these rules:

(1) [~~"Approved equivalent experience" for licensure as a MTRS, as used in Subsection 58-40-5(1)(a)(ii), means two years of full time paid experience obtained outside Utah while certified by NCTRC as a CTRS.~~

~~_____~~(2) "Approved [~~masters~~]graduate degree in recreation[~~a~~] therapy or a [~~masters~~]graduate degree with an approved emphasis in recreation[~~a~~] therapy", as used in Subsection 58-40-5(1)(a)(i), means an earned [~~masters~~]graduate degree which includes a minimum of nine semester hours or 12 quarter hours of upper division or graduate level course work in recreation[~~a~~] therapy. [

~~_____ (3) "An approved training program" for licensure as a TRT, as used in Subsection 58-40-5(3)(a), means 200 hours of education and training under the supervision or direction of a MTRS, which will include instruction in the theories and concepts of recreational therapy from recognized colleges or universities, work shops or seminars, a minimum of ten hours of face to face consultation, and a structured practical experience in a facility.]~~

([4]2) "CTRS" means a person certified as a Certified Therapeutic Recreation Specialist by the National Council for Therapeutic Recreation Certification.

(3) "Full-time, on-site", as used in Subsections 58-40-5(3)(c), 58-40-6(3)(a)(i) and (3)(b)(i), means an individual who is employed on the premises with the hiring agency for a minimum of 30 hours per week.

(4) "Maintain the on-going documentation", as used in Subsection 58-40-6(3)(b), means:

(a) collecting data for the assessment process;

(b) documenting the on-going treatment or intervention provided to clients according to the treatment plan; and

(c) providing periodic review of client status according to agency regulations.

(5) "MTRS" means a person licensed as a master therapeutic recreational specialist.

(6) "NCTRC" means the National Council for Therapeutic Recreation Certification.

(7) "Supervision", as used in Subsections 58-40-5(3)(c), 58-40-6(1)(a), (2)(b), (3)(a)(i) and (3)(b)(i), means full-time, on-site oversight by a MTRS or TRS of the recreation therapy services offered.

~~([7]8) "Supervision of a [therapeutic recreational technician", as used in Subsection 58-40-6(3)(a) and (b), or "supervision of a]temporary TRS", as used in Subsection R156-40-302[e]e(d), means that the MTRS or TRS supervisor is responsible for the recreational therapy activities performed by the [TRT]temporary TRS and will review and approve the treatment plans as well as any modifications to the treatment plans as evidenced by the signature of the MTRS or TRS in the treatment plan.~~

([8]9) "TRS" means a person licensed as a therapeutic recreational specialist.

([9]10) "TRT" means a person licensed as a therapeutic recreational technician.

([10]11) "Unprofessional conduct" is defined in Title 58, Chapters 1 and 40.

R156-40-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 40.

R156-40-302a. [Education and Practicum Requirements for Licensure as a Therapeutic Recreational Specialist]Qualifications of Licensure - Education Requirements.

In accordance with Section 58-40-5, the educational requirements for licensure include:

- (1) A MTRS applicant shall:
 - (a) have a current NCTRC certification as a CTRS; and
 - (b) document that he has completed the education and practicum requirements for licensure as a TRS.
- (2) A TRS applicant shall:
 - (a) have a [In accordance with Subsections 58-40-5(2)(a) and (b), a] current NCTRC certification as a CTRS; and
 - (b) [is required to] document that he[a person] has completed the education and practicum requirements for licensure as a TRS.
- (3) A TRT applicant shall:
 - (a) have an approved educational course in therapeutic recreation taught by a MTRS, as required by Subsection 58-40-5(3)(b)(i), which shall consist of 90 hours of structured education under the instruction and direction of a licensed MTRS, or if completed out of state, under the direction of a nationally certified CTRS, which includes:
 - (i) theories and concepts of recreation therapy;
 - (ii) the therapeutic recreation process;
 - (iii) characteristics of illness and disability and their effects on leisure;
 - (iv) medical and psychiatric terminology including psychiatric, pharmacology and abbreviations;
 - (v) ethics;
 - (vi) role and function of other health and human service professionals including agencies, medical specialists and allied health professionals; and
 - (vii) health and safety.

R156-40-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Section 58-40-5, the experience requirements for licensure include:

- (1) A MTRS is required to complete 4000 hours of paid experience, as required by Subsection 58-40-5(1)(a)(ii), which means an individual must work as a TRS in Utah in a paid position practicing recreation therapy and/or work outside of Utah as a CTRS in a paid position practicing recreation therapy as defined in Subsection 58-40-2(4)(a) and (b) for 4000 hours.
- (2) A TRS is required to complete an approved practicum, as required by Subsection 58-40-5(2)(b), which means a practicum verified on the graduate degree transcript.
- (3) A TRT is required to complete an approved practicum, as required by Subsection 58-40-5(3)(c), which means 125 hours of field work experience to be completed over a duration of not more than nine months under the direction of a licensed MTRS or TRS supervisor that includes:
 - (a) a minimum of ten hours of face to face supervision by the MTRS or TRS supervisor;
 - (b) training in the therapeutic recreation process as defined in Subsections 58-40-2(4)(a) and (b);
 - (c) interdisciplinary contact;
 - (d) administration contact; and

(e) community relations.

R156-40-302[b]c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-40-5(1)(e), 58-40-5(2)(f) and 58-40-5(3)(e), applicants for licensure shall pass the following examinations:

(1) Applicants for licensure as a MTRS, TRS or TRT shall pass the Utah Recreation[~~a~~] Therapy Law and Rule Examination with a minimum passing score of 75%.

(2) Applicants for licensure as a MTRS or TRS shall pass the NCTRC certification examination as evidenced by a current NCTRC certification as a CTRS.

(3) Applicants for licensure as a TRT shall pass the Utah Recreation[~~a~~] Therapy Theory Examination for TRT with a minimum passing score of 70%.

R156-40-302d. Qualifications for Supervision.

Supervision of a therapeutic recreation technician, as used in Subsection 58-40-6(3)(a)(i) and (3)(b)(i), means that the MTRS or TRS supervisor is responsible for:

(1) providing on-site training, observation, direction and evaluation, as defined in Subsection 58-40-2(4)(b), to include:

(a) reviewing the recreation therapy intervention as defined by the treatment plan performed by the TRT;

(b) demonstrating periodic review and evaluation of ongoing documentation;

(c) reviewing the recreation therapy program according to administrative and governing regulations; and

(d) reviewing and evaluating adherence to the standards of the profession.

R156-40-302[e]e. Qualifications for Temporary License as a TRS - Supervision Required.

(1) In accordance with Section 58-1-303, an applicant for temporary licensure as a TRS shall:

(a) submit an application for temporary license in the form prescribed by the division which includes a verification that the applicant has registered and been approved to take the next available NCTRC examination;

(b) pay[~~s~~] a fee determined by the department under Section 63-38-3.2;

(c) meet[~~s~~] all the requirements for licensure, except passing the NCTRC examination; and

(d) practice[~~s~~] recreation[~~a~~] therapy under the supervision of a Utah licensed TRS or MTRS as defined in Subsection R156-40-102([7]8).

(2) The temporary license will not be issued for a period greater than ten months.

(3) The temporary license will not be renewed or extended for any purpose.

KEY: licensing, recreational therapy[*]

Date of Enactment or Last Substantive Amendment: [~~July 16,~~
~~1998~~] 2006

Notice of Continuation: November 6, 2001

Authorizing, and Implemented or Interpreted Law: 58-40-1; 58-1-
106(1) (a); 58-1-202(1) (a)